

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE:
Steven R. Kennedy and
Shirley R. Kennedy
Debtors

: Chapter 13
:
: Case No.: 1:16-bk-01913-RNO
:

U.S. BANKRUPTCY COURT
2017 FEB 15 PM 2:27
K/D

OBJECTIONS OF CAPITAL REGION WATER
TO PROPOSED SALE OF REAL PROPERTY LOCATED AT 10 SOUTH
15TH STREET, HARRISBURG, DAUPHIN COUNTY, PENNSYLVANIA
FREE AND CLEAR OF LIENS, CLAIMS AND ENCUMBRANCES

AND NOW comes Capital Region Water, by and through its attorneys, Goldberg Katzman, P.C., who files these Objections to the Proposed Sale of Real Property Located at 10 South 15th Street, Harrisburg, Dauphin County, Pennsylvania Free and Clear of Liens, Claims and Encumbrances, and in support thereof, states the following:

1. On January 26, 2017, Debtors provided a Notice to Creditors that they filed a Motion to Approve Sale of Real Property Free and Clear of Liens, Claims and Encumbrances relating to the Debtors' real property located at 10 South 15th Street, Harrisburg, Dauphin County, Pennsylvania (the "Property").
2. The Property is served with water and sewer by Capital Region Water.
3. There remains a past-due and owing balance of \$2031.85 for the water and sewer services provided by Capital Region Water at the Property, as evidenced by the documents attached hereto as Exhibit A.

4. As such, Capital Region Water has a municipal claim in the amount of \$2,031.85 on the Property.

5. Pursuant to the Bankruptcy Code, a trustee may sell property free and clear of any interest therein only if:

- (1) applicable nonbankruptcy law permits sale of such property free and clear of such interest;
- (2) such entity consents;
- (3) such interest is a lien and the price at which such property is to be sold is greater than the aggregate value of all liens on such property;
- (4) such interest is in bona fide dispute; or
- (5) such entity could be compelled, in a legal or equitable proceeding, to accept a money satisfaction of such interest.

11 U.S.C.A. § 363(f).

6. Pennsylvania law governing municipal claims states that a municipal claim “shall have priority to and be fully paid and satisfied out of the proceeds of any judicial sale of said property, before any other obligation, judgment, claim, lien, or estate with which the said property may become charged, or for which it may become liable. . . .” 53 P.S. § 7106(a)(1); see also EMC Mortgage Corp. v. Lentz, 972 A.2d 112, 115 (Pa. Commw. Ct. 2009) (holding that a municipal claim had priority to be paid in full over all other liens on a property).

7. Accordingly, under applicable nonbankruptcy law, the municipal claim held by Capital Region Water on the Property has priority and must be paid in full.

8. Capital Region Water, therefore, objects to the proposed sale of the Property free and clear of its interest therein.

9. As evidenced by the accompanying Stipulation, filed simultaneously herewith, Debtors' attorney agrees to the relief sought herein.

WHEREFORE, Capital Region Water respectfully requests that this Honorable Court grant their Objections and order that the municipal claim held by Capital Region Water on the real property located at 10 South 15th Street, Harrisburg, Dauphin County, Pennsylvania in the amount of \$2,031.85 shall be paid in full through the proceeds of the sale of the real property.

Respectfully submitted,

GOLDBERG KATZMAN, P.C.

Date: By: s/ Steven E. Grubb
Steven E. Grubb, Esquire (I.D. No. 75897)
4250 Crums Mill Road
P.O. Box 6991
Harrisburg, PA 17112
Telephone: (717) 234-4161
Attorney for Capital Region Water

CAPITAL REGION WATER

Dr. Robert E. Young Water Services Center

Billing & Collections Unit, 100 Pine Drive

Harrisburg Pa 17103

Phone: (888) 510-0606 Fax: (717) 775-1040

Account: 9050031-0

Date Prepared: 02/14/2017

Property: 10 S 15TH ST

Preparer's Initials: JM

Property Owner: STEVEN R KENNEDY

Requested By: WENDY/STEVE

Telephone: 888-510-0606

Utility Bill Due: \$2,031.85

Includes payments received up to 1/20/17

Meter Reading: 655000

Balance valid until: 2/28/2017

Other Fees: Settlement Sheet \$25.00 (Paid)

Do not pay utility balance until after settlement.

At the time of settlement, the buyer and seller must agree on the distribution of any existing credit balances. After settlement, refunds will not be issued by Capital Region Water for credit balances or duplicate utility payments.

If you fail to have the water service terminated in your name, you may be responsible for future debts incurred against this property.

***If you are an ACH subscriber, please ensure that you stop the automatic withdraw from your utility bill. No refunds will be issued for failure to stop the automatic withdraw for payment of your utility bill. Please call 1-888-510-0606.

This settlement sheet may not identify all judgements which may exist against the seller and which may encumber this property. It is, therefore, recommended that a search of the judgement docket be done at the Dauphin County Courthouse.

Lien Status: NO LIENS

Comment:

End of Report

Page 2 of 2



CAPITAL REGION WATER
100 PINE DRIVE
HARRISBURG, PA 17103
Phone: 1-888-510-0606

PLEASE RETURN BOTTOM PORTION WITH YOUR PAYMENT

STEVEN R KENNEDY
1916 PRESERVE LANE
PALMYRA PA 17078

ACCOUNT NUMBER	9050031-0
CID:	87005
BILLING DATE	01/25/2017
AMOUNT DUE	57.96
DUUE DATE	2/15/17
AFTER DUE DATE PAY	58.83

58.83 current balance
+ 34.08 new charges
92.91
+ 1.938.94 bankruptcy amt.
2,031.85

www.capitalregionwater.com

CUSTOMER ACCOUNT INFORMATION RETAIN FOR YOUR RECORDS

1-888-510-0606

CUSTOMER NAME		SERVICE ADDRESS		ACCOUNT NUMBER				
METER NUMBER	SERVICE PERIOD		METER READINGS		CONSUMPTION	GALLONS USED		TYPE OF READINGS
	FROM	TO	PRIOR	PRESENT		WATER	SEWER	
58778266	12/6	12/29	651000	653000	2000	2000	2000	Actual
		1/30/17		655000		2000	34.08	

Previous Balance 248.59
Penalty 3.73
Payments -228.44
Adjustments 0.00
Prior Balance 23.88

Ready-to-serve water 6.22
Water Utilization 15.76
Sewer Utilization 10.52
Sewer Maintenance 1.58

Current Charges 34.08
Pay This Amount 57.96
2031.85

Prepare for cold weather: Frozen water pipes in your home can lead to costly repairs. Visit capitalregionwater.com/winterprep to learn how to protect your pipes from freezing.

Automatic monthly withdrawal payments (ACH), Customer Portal online payments and Ebill are available online at www.capitalregionwater.com. Credit Card Payments can be made by calling 1-888-510-0606 to speak with one of our Customer Service Representatives. Only cardholder (Actual Name on Card) is authorized to make a credit card payment.

PLEASE DETACH & RETURN WITH PAYMENT

ACCOUNT NUMBER	9050031-0
CID:	87005
CUSTOMER NAME	STEVEN R KENNEDY
SERVICE ADDRESS	10 S 15TH ST
BILLING DATE	01/25/2017

0000009050031000005796?

STEVEN R KENNEDY
1916 PRESERVE LANE
PALMYRA PA 17078

AMOUNT NOW DUE	57.96
DUE DATE	2/15/17
AFTER DUE DATE PAY	58.83
Please make checks payable to: Capital Region Water	
<input type="checkbox"/> Cash	<input type="checkbox"/> Check
<input type="checkbox"/> Money Order	
AMOUNT PAID	\$

Capital Region Water
PO Box 826429
Philadelphia, PA 19182-6429

www.capitalregionwater.com (888) 510-0606

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MUNI-LINK
Billing
CAPITAL REGION WATER

ACCOUNT LOOKUP

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ACCOUNTS
CUSTOMERS
METERS
PROCESSING
MAINTENANCE
REPORTS

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ACTIVE Account 9050031-0

STEVEN R KENNEDY
10 S 15TH ST
HARRISBURG, PA 17104

Is Rental: No
Mobile Phone
Email:
Home Phone

Active Alerts on this Service Address
• BANKRUPTCY

Bankruptcy

General Information	
Units:	1
Exclude Billing:	No
Exclude Interest:	No
Exclude Penalty:	No
Exclude Notice:	No
Exclude Lien:	No
Suspended Action Code:	Standard

Balances	
Balance	\$1,938.94
Deposits	0.00
Other	0.00
Water	1,102.34
Sewer	836.60

Account Log				
Completed	Scheduled			
01/30/2017		Type	AUTOMATED METER READINGS	Reading
12/28/2016			AUTOMATED METER READINGS	655000
12/05/2016			AUTOMATED METER READINGS	653000
11/01/2016			AUTOMATED METER READINGS	651000
10/07/2016			AUTOMATED METER READINGS	650000
			AUTOMATED METER READINGS	649000

Bankruptcy RTS - Ready to Serve **Bankruptcy Sewer Maintenance - Sewer Maintenance** **Bankruptcy Water Utilization - Water Utilization**

Bankruptcy Sewer Utilization - Sewer Utilization **** All Services ****

Details	
Title:	Bankruptcy-RTS - Ready to Serve
Quantity:	1
Amount:	
Enabled:	No

Charges	
No data found.	View More Add New

Payment Method	
NO PAYMENT METHOD	

Portal Payments	
No data found	

Customers	Capacity Data	Attachments	Categories	Reports	Custom Data	Back Flow
Bill To					Owner	
Name: STEVEN R. KENNEDY					SAME AS BILL TO	
Address: 1916 PRESERVE LANE						
PALMYRA, PA 17078						
Phone: (717) 221-0999						

Alternate Addresses	
No data found.	

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Shirley R. Kennedy : Case No.: 1:16-bk-01913-RNO
Debtors :
:

STIPULATION

AND NOW, come Capital Region Water and Debtors, by and through their attorneys, who stipulate that the municipal claim held by Capital Region Water on the real property located at 10 South 15th Street, Harrisburg, Dauphin County, Pennsylvania in the amount of \$2,031.85 shall be paid in full through the proceeds of the sale of the real property.

2017 FEB 15 PM 2:26
MIDDLE DISTRICT OF PENNSYLVANIA
BANKRUPTCY COURT

GOLDBERG KATZMAN, P.C.

Date: By: s/ Steven E. Grubb
Steven E. Grubb, Esquire
4250 Crums Mill Road
P.O. Box 6991
Harrisburg, PA 17112
Telephone: (717) 234-4161
Attorney for Capital Region Water

LAW OFFICES OF JOHN M. HYAMS

Date: By: s/ John M. Hyams
John M. Hyams, Esquire
555 Gettysburg Pike, Suite C-400
Mechanicsburg, PA 17055
Attorney for Debtors

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ORDER

AND NOW, this _____ day of _____, 2017, based upon the Objections of Capital Region Water and the Stipulation of the parties, it is hereby ORDERED and DECREED that Capital Region Water's Objections are GRANTED and the municipal claim held by Capital Region Water on the real property located at 10 South 15th Street, Harrisburg, Dauphin County, Pennsylvania in the amount of \$2031.85 shall be paid in full through the proceeds of the sale of the real property.

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